

1 Margaret L. Parker (State Bar No. 129897)
2 Andrew E. Saxon (State Bar No. 227344)
3 DLA Piper LLP (US)
4 555 Mission Street, Suite 2400
5 San Francisco, CA 94105
6 Telephone: (415) 836-2500
7 Fax: (415) 236-2501

8 Ronald P. Schiller (admitted *pro hac vice*)
9 Daniel J. Layden (admitted *pro hac vice*)
10 Hangley Aronchick Segal & Pudlin
11 Philadelphia, PA 19103
12 Telephone: 215-496-7020
13 Facsimile: 215-851-7020

14 Attorneys for Employers Reinsurance Corporation
15 n/k/a Westport Insurance Corporation

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 OAKLAND DIVISION

19 EMPLOYERS REINSURANCE
20 CORPORATION n/k/a WESTPORT
21 INSURANCE CORPORATION,

22 Plaintiff,

23 vs.

24 ORDWAY INDEMNITY, LTD.,

25 Defendant.

CASE NO. C. 09-01610 PJH

STIPULATION AND JOINT REQUEST TO
CONTINUE HEARING ON DEFENDANT'S
MOTION TO COMPEL ARBITRATION AND
STAY PROCEEDINGS AND CASE
MANAGEMENT CONFERENCE; PROPOSED
ORDER THEREON

1 1. In accordance with Civil Local Rule 7-7(b)(1), the parties in the above-captioned
2 action hereby stipulate and jointly request to the continuance of the hearing on Defendant's
3 Motion to Compel Arbitration and Stay Proceedings currently scheduled for February 3, 2010
4 until March 10, 2010 or the next available hearing date thereafter convenient to the Court.

5 2. The parties also request that the Court reschedule the Case Management Hearing to
6 immediately follow the rescheduled hearing on Defendant's Motion to Compel.

7 3. Good cause exists for these requests.

8 4. The hearing on Defendant's Motion to Compel was originally scheduled for
9 December 15, 2009. The Court also scheduled the parties' Case Management Conference to
10 immediately follow the hearing on that date.

11 5. On December 9, 2009, due to a conflict of interest, The Honorable Sandra Brown
12 Armstrong found it necessary to recuse herself as presiding judge of this matter. The case was
13 reassigned to The Honorable Phyllis J. Hamilton.


14 6. On December 29, 2009, the Court reset the hearing date for Defendant's Motion to
15 Compel and the Case Management Conference for February 3, 2010.

16 7. Shortly thereafter, Daniel J. Layden, *pro hac vice* counsel and the attorney
17 responsible for arguing plaintiff's opposition to Defendant's Motion to Compel, realized that the
18 February 3, 2010 argument date conflicted with his defense of two Rule 30(b)(6) corporate
19 designee depositions on February 3 and 4, 2010, in a matter pending in the District of Connecticut.
20 Mr. Layden was unable to move those depositions.

21 8. On January 12, 2010, after being apprised of the scheduling conflict, counsel for
22 Defendant agreed to stipulate to the rescheduling of argument on the Motion to Compel until
23 February 17, 2010 or the next available date which was convenient for the Court.


9. On February 3, 2010, the Court denied the parties' stipulation, noting that good cause was not presented and that the Court's calendar was full on February 17, 2010.

10. Having now identified the good faith reasons for their joint request, particularly the conflict of lead counsel for Plaintiff, the parties respectfully request that the Court consider and accept this stipulation and joint request to reschedule the Hearing for Defendant's Motion to Compel and the Case Management Conference until March 10, 2010 or the next available hearing date thereafter available to the Court.


Margaret L. Parker (State Bar No. 129897)
Andrew E. Saxon (State Bar No. 227344)
DLA PIPER LLP (US)
555 Mission Street, Suite 2400
San Francisco, CA 94105
Telephone: 415-836-2500
Facsimile: 415-236-2501

Of Counsel:
Ronald P. Schiller (admitted *pro hac vice*)
Daniel J. Layden (admitted *pro hac vice*)
Hangley Aronchick Segal & Pudlin
Philadelphia, PA 19103
Telephone: 215-496-7020
Facsimile: 215-851-7020

Attorneys for Plaintiff
Employers Reinsurance Corporation
n/k/a Westport Insurance Corporation


Digitally signed by Thomas M. Freeman
Date: 2010.01.28 16:01:02 -08'00'
Kennedy P. Richardson (State Bar No. 62516)
Thomas M. Freeman (State Bar No. 109309)
Bonnie A. Miluso (State Bar No. 237150)
MARION'S INN LLP
1611 Telegraph Avenue, Suite 707
Oakland, CA 94612-2145
Telephone: 510-451-6770
Facsimile: 510-451-1711

Attorneys for Defendant Ordway
Indemnity, Ltd

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1/29/10
DATE

HON. PHYLLIS J. HAMILTON

